IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 2642 of 2005

Between:

Y. Brahmaiah, S/o. Kotaiah, Fair Price Shop Dealer,
CIRCLE NO.27, Chilakaluripeta Town, and Mandal, Guntur District.

..... PETITIONER

AND

1 The District Collector, Guntur, Guntur District.
2 The Joint Collector, Guntur, Guntur District.
3 The Revenue Divisional Officer, Narasaraopet, Guntur District.
4 The Mandal Revenue Officer, Chilakaluripeta Mandal, Guntur

District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in not passing any order in the Revision as well as on Stay application filed by the Petitioner as illegal, arbitrary and consequently direct the respondents to continue as Fair Price Shop Dealer of Circle No.27 in Chilakaluripeta town, Guntur District, pending disposal of the Revision before the 1st respondent, and to pass such other order or orders

Counsel for the Petitioner:MR.K.SITA RAM

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following ORDER:

The dealership of the petitioner in respect of a fair price shop was cancelled by the Revenue Divisional Officer, Narasaraopet, the third respondent, through proceedings dated 28.08.2004. Aggrieved thereby, the petitioner preferred an appeal before the second respondent. The appeal was dismissed on 03.01.2005. Thereupon, the petitioner filed a revision, together with an application for stay, before the first respondent. The grievance of the petitioner is that the first respondent has not passed any orders in the application for stay so far and, in the meanwhile, the third respondent is taking steps to make alternative arrangements.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The dealership of the petitioner and eight other dealers was cancelled, on the basis of a news item in a daily. The only allegation against all the nine dealers is that they did not supply the essential commodities to the “new card-holders” for the months of November and December 2003. All of them submitted explanations to the show cause notices stating that the essential commodities for the months of November and December 2003, to be distributed to the new card-holders, were released only in the first week of January 2004 and, as such, the allegation is incorrect. Despite the same, the dealerships were cancelled. During the pendency of the appeal, the petitioner filed W.P.No.22654

of 2004, since his application for stay was rejected by the second respondent on 06.10.2004. The writ petition was allowed through order dated 08.12.2004. The reasons for directing such course of action were indicated therein.

While rejecting the appeal, the second respondent did not advert to the contentions of the petitioner that the supply itself was received at a later point of time. Inasmuch as the petitioner was continuing as a dealer, during the pendency of the appeal, this Court feels that it would be appropriate to continue the same arrangement during the pendency of the revision also.

Hence, the writ petition is disposed of directing that the petitioner shall be entitled to continue as the dealer, pending disposal of the revision by the first respondent. There shall be no order as to costs.

16.02.2005

Note:

Issue CC in three days.

(BO)

ksld

To

1 The District Collector, Guntur, Guntur District.
2 The Joint Collector, Guntur, Guntur District.
3 The Revenue Divisional Officer, Narasaraopet, Guntur District.
4 The Mandal Revenue Officer, Chilakaluripeta Mandal, Guntur

District.

5 Two CCs. to the G.P. for Civil Supplies, High Court of A.P.,

Hyderabad (OUT).

6 Two CD copies.